

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

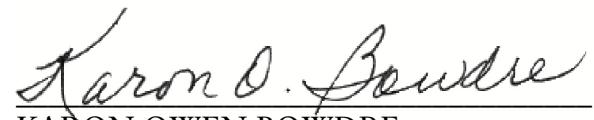
MICHAEL ALLUMS,)
)
Plaintiff,)
)
v.)
) CV-10-RRA-0531-S
CITY OF BIRMINGHAM,)
et al.,)
)
Defendants.)

ORDER

This case comes before the court on the Report and Recommendation of the Magistrate Judge on Adam Swan's partial motion to dismiss filed on April 7, 2010 (doc. 6), and the United States' motion to dismiss filed on April 26, 2010 (doc. 7). In accordance with the memorandum opinion entered contemporaneously herewith, the court ACCEPTS the Report and Recommendation and hereby ORDERS as follows:

1. Adam Swan's partial motion to dismiss (doc. 6) is GRANTED in part and DENIED in part;
 - a. As against defendant Swan, all claims in Count One, except those based on the Fourth Amendment excessive force claim, are DISMISSED, with prejudice.;
 - b. Further, as to Swan, counts two, four, and six are DISMISSED in their entirety;
 - c. In all other respects, the motion is DENIED.
2. The United States' motion to dismiss (doc. 7) is GRANTED. All counts against the United States are DISMISSED, without prejudice.

DONE and ORDERED this the 25th day of October, 2010.


Karon O. Bowdre
KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE